



1634

Please sign (+) inside this box → ☒

PTO/SB/21 (08-00)  
Approved for use through 10/31/02. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/780,113	
	Filing Date	February 9, 2001	
	First Named Inventor	John V. TYRRELL, et al.	
	Group Art Unit	1634	
	Examiner Name	C. J. Myers	
Total Number Of Pages In This Submission	3	Attorney Docket No.	506812000120

**RECEIVED**  
OCT 11 2002  
TECH CENTER 1600/2900

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> <b>RESPONSE TO RESTRICTION REQUIREMENT MAILED 9/9/02, PAPER 14 - 2 pgs</b>	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Return receipt Postcard</b>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual Name	MORRISON & FOERSTER LLP 425 Market Street, San Francisco, CA 94105-2842 MICHAEL R. WARD (Reg No. 38,651)
Signature	<i>Michael R. Ward</i>
Date	October 8, 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL"	
Express Mail Label No.: EV 072 535 243 US	Date of Deposit: October 8, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
<b>EV072535243US</b>	<b>CHASE J. TROMBELLA</b>

2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



#15  
P3  
10/15/02

PATENT  
Docket No. 506812000120

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 072 535 243 US

Date of Deposit: October 8, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

CHASE J. TROMBELLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 11 2002

TECH CENTER 1600/29

In the application of:

John V. TYRRELL et al.

Serial No.: 09/780,113

Filing Date: February 9, 2001

For: COMPOSITIONS AND METHODS FOR  
DETECTING RAPHDOPHYTES

Examiner: C. J. Myers

Group Art Unit: 1634

RESPONSE TO RESTRICTION REQUIREMENT

MAILED SEPTEMBER 9, 2002, PAPER 14

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action with restriction requirement dated September 9, 2002, for which a response is due on October 9, 2002. This response is therefore timely.

Applicant hereby elects **Group 13 (claims 13, 16, 26, 27, 28, 32-34, 36, 39 and 40)**, with traverse. Applicant asserts that it would not be an undue burden to search all of the pending claims in this application. Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **506812000120**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 8, 2002

By: Michael R. Ward  
Michael R. Ward  
Registration No. (38,651)

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6237  
Facsimile: (415) 268-7522